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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/087,046	02/28/2002	Brian D. Fiut	10020057-1	6491	
75	7590 10/06/2004			EXAMINER	
AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration			NGUYEN, DUC MINH		
				- <u></u> -	
			ART UNIT	PAPER NUMBER	
P.O. Box 7599			2643		
Loveland, CO 80537-0599			DATE MAILED: 10/06/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Summers	10/087,046	FIUT ET AL.			
Office Action Summary	Examiner	Art Unit			
	Duc Nguyen	2643			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period where the period for reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	16(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on	_•				
2a) ☐ This action is FINAL . 2b) ☒ This	This action is FINAL . 2b)⊠ This action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) ☐ Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-3 and 5-24 is/are rejected. 7) ☐ Claim(s) 4 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or					
Application Papers					
9) The specification is objected to by the Examiner					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11)☐ The oath or declaration is objected to by the Exa	aminer. Note the attached Office	Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
A44					
Attachment(s) 1) Notice of References Cited (PTO-892)	A) Intendence Com	(DTO 412)			
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4)				
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-3, 12-13, 18, 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Menon et al (US2001/0001268A1).

Consider claims 1-2, 12-13, 21-22. Menon teaches a method and system for monitoring a base station in a wireless communication network from a location remote to the base station, comprising acquiring at a monitoring probe arranged local to a base station measurement data for at least one network link parameter of the base station, measurement data for at least one wireless link parameter of the base station, and measurement data for at least one operational parameter of the base station (page 15, paragraphs [0224]-[0228]); formatting the measurement data for the at least one network link parameter, the measurement data for the at least one wireless link parameter, and the measurement data for the at least one operational parameter into a uniform format (page 13, [0198], [0204]; page 15, paragraph [0228]); and communicating, in the uniform format, the data from the monitoring probe to a processor-based device arranged remote from the base station (wireless access system 10 or 101, page 15, [0228]).

Consider claims 3, 18. Menon, page 33, claim 24 and page 34, claim 27 read on the limitations of claims 3, 18.

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Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 5-7, 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Breed (5,489,914)

Consider claims 5-7, 9, 19. Menon does not clearly teach antenna measurement comprises swept return loss measurement.

Breed teaches antenna measurement comprises swept return loss measurement (col. 6, ln. 65 to col. 7, ln. 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Breed into the teachings of Menon, so that multiple frequency operation is achieved without the use of reactive components or large structures.

5. Claims 8, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Mailandt et al (4,823,280).

Consider claims 8, 20. Menon does not teach the measurement comprising temperature, flooding, fire, alarm, power, etc.

Mailandt teaches the measurement comprising temperature, flooding, fire, alarm, power, etc. (abstract; col. 2, ln. 3-19; col. 13, ln. 15-47).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Mailandt into the teachings of Menon in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

6. Claims 10-11, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Barshefsky et al (6,385,609).

Consider claims 10-11, 16-17. Menon does not teach using a user interface for accessing the measurement data received by the processing-based device.

Barshefsky teaches using a user interface for accessing the measurement data received by the processing-based device (figs. 1 and 3, col. 3, ln. 59-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Barshefsky into the teachings of Menon in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

7. Claims 14-15, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Wiczer (US2002/0147936A1).

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Consider claims 14-15, 23-24. Menon does not teach the use of Smart Transducer Interface Module (STIM), Network Capable Application Processor (NCAP) and IEEE 1451.X standards.

Wiczer teaches the use of Smart Transducer Interface Module (STIM), Network Capable Application Processor (NCAP) and IEEE 1451.X standards (abstract; page 1, [0003], [0013]-[0015]; page 2, [0023]-[0025]; page 2, [0028]; page 4, [0042]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Wiczer into the teachings of Menon in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duc Nguyen

Primary Examiner Art Unit 2643

9/30/04